

**I.D. 06184818**

**File No. 3781**

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
Eastern Division**

<b>GARDEN CITY BOXING CLUB, INC.,</b>	)	
<b>Plaintiff,</b>	)	
<b>v.</b>	)	<b>07 C 6591</b>
<b>RAYMUNDO RODRIGUEZ, individually and</b>	)	
<b>d/b/a MODELO CLUB HOUSE</b>	)	
<b>RESTAURANT a/k/a COMIDA TIPICA</b>	)	<b>Judge Kendall</b>
<b>MEXICANA and MODELO CLUB HOUSE</b>	)	
<b>RESTAURANT a/k/a COMIDA TIPICA</b>	)	<b>Magistrate Judge Cox</b>
<b>MEXICANA,</b>	)	
<b>Defendant.</b>	)	

**PLAINTIFF'S MOTION FOR PROVE-UP**

*COMES NOW* the Plaintiff, GARDEN CITY BOXING CLUB, INC., a California corporation, by and through its attorneys, ZANE D. SMITH & ASSOCIATES, LTD. and moves this Honorable Court for the entry of a Prove-up Order against RAYMUNDO RODRIGUEZ, individually and MODELO CLUB HOUSE RESTAURANT a/k/a COMIDA TIPICA MEXICANA and in support thereof, states as follows:

1. That on November 21, 2007, the Plaintiff, GARDEN CITY BOXING CLUB, INC. (herein referred to as "GARDEN CITY"), filed the present cause of action with the Clerk of this Court;
2. That on December 18, 2007 the Defendants, RAYMUNDO RODRIGUEZ, individually and MODELO CLUB HOUSE RESTAURANT a/k/a COMIDA TIPICA MEXICANA were served with a copy of the Complaint and Summons;
3. That Defendant failed to Appear and Answer and on February 7, 2008, this Court found the defendants to be in default;
4. That this matter is brought pursuant to the Communications Act of 1934, 47 U.S.C. § 151 et seq. as amended by the Cable Communications Policy Act of 1984, 47 U.S.C. § 521 et seq and the Copyright Act of 1976, 17 U.S.C. §§ 101 et seq.;

. That the aforesaid Act provides for statutory liquidated damages to wit:

a) Sixty Thousand (\$60,000.00) Dollars for each violation of Section 553 of the Cable Communications Act;

b) One Hundred Ten Thousand (\$110,000.00) Dollars for each violation of Section 6504 of the Copyright Act:

5. That in the instant matter, there were three (3) violations of the aforesaid provisions of the Cable Communication Act; See the Affidavit of the Investigator, attached hereto and made a part hereof, marked "Plaintiff's Exhibit A;"

6. That Plaintiff is therefore entitled to Five Hundred Ten Thousand and No/100 (\$510,000.00) Dollars as Statutory liquidated damages.

7. That Plaintiff is further entitled to Two Thousand Five Hundred Sixty Two and 50/100 (\$2,562.50) Dollars for attorney's fees and costs; See Affidavit of Plaintiff's Counsel, Zane D. Smith, attached hereto and made a part hereof, marked "Plaintiff's Exhibit B."

8. That Plaintiff is entitled to statutory damages, in the amount of \$510,000.00 plus attorneys and fees and costs of \$2,562.50 totaling \$512,562.50.

*WHEREFORE*, the Plaintiff, GARDEN CITY BOXING CLUB, INC., respectfully prays this Honorable Court for the entry of an Order in Plaintiff's favor and against the defendants, RAYMUNDO RODRIGUEZ, individually and MODELO CLUB HOUSE RESTAURANT a/k/a COMIDA TIPICA MEXICANA in the amount of amount of \$512,562.50 and for such other relief as this Court deems just and right.

Respectfully submitted,

ZANE D. SMITH & ASSOCIATES, LTD.

By: /s/ Zane D. Smith  
Zane D. Smith, Plaintiff's Attorney

ZANE D. SMITH & ASSOCIATES, LTD.  
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